



SHERMAN GUYTON

Mayor

March 15, 2013

City of Gadsden

P.O. Box 267
Gadsden, AL 35902-0267
Phone 256.549.4646
Fax 256 549.4565

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, S.W
Washington, DC 20423-0001

ENTERED
Office of Proceedings

MAR 20 2013

Part of
Public Record



FILED FEE WAIVER

RE: Norfolk Southern Railway Company Abandonment in Etowah County, Alabama
STB Docket No. AB-290 (Sub No. 335X) and STB Docket No. AB-290 (Sub No. 340X)

Dear Ms. Brown:

This request is filed on behalf of the City of Gadsden, Alabama which is a government agency interested in transportation, which is hereinafter referred to as "proponent":

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Alabama Great Southern Railroad Company ("AGS") Mile Post 2 40 AG (near Cabot Avenue in Gadsden) and Mile Post 5 50 AG (near the intersection of River and Coosa Streets in Gadsden), a distance of approximately 3 10 miles; and between the Tennessee, Alabama, Georgia Railway Company ("TAG") Mile Post TA 90.30 (located between north end of Brookside Drive and Owls Hollow Road in Gadsden) and Mile Post TA 91.45 (at the TAG Segment's connection with the AGS segment west of N 5th Street Gadsden), a distance of approximately 1.15 miles.

A. Public Use Condition

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties, and signal equipment, except for public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble, to review title information, and to complete a trail plan, or to commence negotiations with the carrier.
2. An order barring removal or destruction of potential rail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for Railbanking. In addition to the public use conditions sought above, proponent also makes the following request.

City of Champions

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C §1247(d), and 49 C.F.R §1152.29, The City of Gadsden is willing to assume responsibility for management of, and for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Norfolk Southern Railway Company

The properties covered are as follows

- i) The AGS segment between Mile Post 2.40 AG (near Cabot Avenue in Gadsden) and Mile Post 5.50 AG (near the intersection of River and Coosa Streets in Gadsden), a distance of approximately 3.10 miles
- ii) The TAG segment Mile Post TA 90.30 (located between north end of Brookside Drive and Owls Hollow Road in Gadsden) and Mile Post TA 91.45 (at the TAG Segment's connection with the AGS segment west of N 5th Street in Gadsden), a distance of approximately 1.15 miles.

The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No 335X) and STB Docket No. AB-290 (Sub-No.340X) A map depicting the right-of-way is attached.

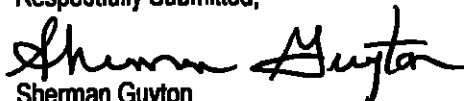
The City of Gadsden acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and that it is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

I understand that government agencies are entitled to a fee waiver. Please accept this letter as a request by the City for such waiver. If there is anything more that you need from the City of Gadsden to accompany our request, please contact Nick Hall, Director of Planning, at (256) 549-4520.

Finally, by my signature below, I certify that I have served a copy of this request on Norfolk Southern Railway Company, by U S Mail, postage prepaid, first class, on the 15th day of March 2013 as follows

Mr. Kearston Comegys, Coordinator Abandonments
Strategic Planning- 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Respectfully Submitted,


Sherman Guyton
Mayor, City of Gadsden, Alabama

cc Mr. Kearston Comegys

Proposed Abandonment
 Milepost 2.4 AG - Milepost 5.5 AG,
 Milepost TA 90.30 - Milepost TA 91.45
 Gadsden, AL
 Docket No. AB 290 (Sub No 335X)

